

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JAMES CONTANT, *et al.*,

Plaintiffs,

v.

BANK OF AMERICA  
CORPORATION, *et al.*,

Defendants.

Case No. 17-cv-3139-LGS

(related to No. 13-cv-7789-LGS)

ECF CASE

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF  
SETTLEMENT WITH CITIGROUP INC., CITIBANK, N.A., CITICORP, AND  
CITIGROUP GLOBAL MARKETS INC.**

PLEASE TAKE NOTICE that Plaintiffs shall move this Court, before the Honorable Lorna G. Schofield, on a date and at a time to be determined by the Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, for an Order:

- (1) Granting preliminary approval of the proposed Settlement Agreement with Citigroup Inc., Citibank, N.A., Citicorp, and Citigroup Global Markets Inc. (the "Settlement");
- (2) Certifying the proposed Settlement Classes for settlement purposes;
- (3) Appointing Berger & Montague, P.C. as settlement class counsel;
- (4) Appointing Class Plaintiffs as class representatives of their respective Settlement Classes for settlement purposes; and

- (5) Staying all proceedings in the Action with respect to the Settling Defendants until further order of the Court, except as may be necessary to implement the Settlement or comply with the terms thereof.

Submitted herewith in support of this Motion are the:

- (1) Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement;
- (2) Declaration of Michael Dell'Angelo in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, and the exhibits thereto; and
- (3) [PROPOSED] Order Preliminarily Approving the Settlement, Conditionally Certifying the Settlement Classes, and Appointing Class Counsel and Class Representatives for the Settlement Classes.

Dated: August 21, 2018

Respectfully submitted,

/s/ Michael Dell'Angelo  
Michael Dell'Angelo  
Joshua T. Ripley  
**BERGER & MONTAGUE, P.C.**  
1622 Locust Street  
Philadelphia, Pennsylvania 19103  
Tel: (215) 875-3000  
Fax: (215) 875-4604  
mdellangelo@bm.net  
jripley@bm.net

***Counsel for Plaintiffs and Proposed  
Settlement Class Counsel***

Garrett W. Wotkyns  
**SCHNEIDER WALLACE COTTRELL KONECKY  
WOTKYNs LLP**  
8501 North Scottsdale Rd., Ste. 270  
Scottsdale, AZ 85253  
Tel: (480) 428-0142  
Fax: (866) 505-8036

gwotkyns@schneiderwallace.com

Joseph C. Peiffer  
**PEIFFER ROSCA WOLF ABDULLAH  
CARR & KANE LLP**  
201 St. Charles Ave., Ste. 4610  
New Orleans, LA 70170  
Tel: (504) 523-2434  
Fax: (504) 523-2464  
jpeiffer@prwlegal.com

R. Bryant McCulley  
Stuart H. McCluer  
Frank B. Ulmer  
**MCCULLEY MCCLUER PLLC**  
1022 Carolina Blvd., Ste. 300  
Charleston, SC 29451  
Tel: (855) 467-0451  
Fax: (662) 368-1506  
bmcculley@mcculleymccluer.com  
smccluer@mcculleymccluer.com  
fulmer@mcculleymccluer.com

*Counsel for Plaintiffs*